

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 6, 2012, 6:30PM**

A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 6, 2012, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:35 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Pledge was conducted, led by Jerry Brady.
 - 2.2. **Invocation.** A moment of silence was observed.
3. **Roll Call.** Town Council Members David Hiles, Mark McBrady, Dennis Repan, Denise Rogers, Nancy Wright; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.
 - 4.1. **Veterans' Day Proclamation.** Mayor Nolan read the Veteran's Day Proclamation.
Mayor Nolan announced the Butte Street Park dedication next Tuesday (November 13th) afternoon.
 - 4.2. **Call of Election.**
Town Clerk, Judy Morgan gave an overview on the dates and deadlines. Notice of these deadlines will be advertised in the newspaper. A candidate orientation will be held on November 14th from 5:30 – 6:30.
 - 4.3. **Principal Cole Young's Update on Humboldt Elementary School issues.**
Principal of Humboldt Elementary School, Cole Young spoke to the Council on the achievements of the school. Going from a low scoring school a few years ago to excelling, being a National Blue Ribbon school and being graded in the top 5% of schools. He spoke on a state sales tax program where donations are made specifically for schools and programs.
5. **Town Manager's Report.** Update on Current Events.
Town Manager, Yvonne Kimball gave an overview on the Butte Street Park Ribbon Cutting Event, being held on Tuesday, November 13th at 1:00 p.m. Everyone is encouraged to attend. She gave an update on the Humboldt Station acquisition: owner agreed to provide a survey and have the bank talk with the town.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the October 16, 2012 Regular Meeting.
Councilmember Wright made a motion to approve the minutes from the October 16, 2012, Regular Meeting as presented, seconded by Councilmember Repan. It was approved unanimously.
7. **Comments from the Public (on non-agendized items only).**
Jack Hamilton spoke on a barking dog case and how staff was involved. He suggested a

procedure be written addressing the process.

Jerry Brady spoke on the history of the town setting precedence; property rights for easements and rights-of-way.

8. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

8.1. Old Black Canyon Highway Title Search Status – Attorney Report. Discussion and possible action.

Town Attorney, Phyllis Smiley was in attendance to discuss this item. Title report is done and 5 property owners were identified as having an interest in parts of the roadway. Her recommendation is to have either the town engineer or a surveyor go through the legal descriptions of properties and find out where their interests are and draw up legal descriptions for each of these properties. Then, the Council can move forward on an informed decision. There was discussion on surveying these properties; obtaining legal documents; which portion of the road in question; how much spent so far on this issue; waiving the client/counsel privilege on the Attorney memo.

Councilmember Repan made a motion to direct staff to contact the three on-call engineering firms for an estimate on this work, seconded by Councilmember Hiles.

Public comment was taken on this item.

Jack Hamilton spoke on matching the original road right-of-way to the location of the existing road and finding if owners might be interested in a swap.

Jerry Brady spoke on working with the Forest Service Land Management surveys and his research on Old Black Canyon Highway and no conveyance of right to ownership for the town.

David Nystrom asked that Council consider waiving the client/counsel privilege for the Attorney memo regarding the title report.

A vote was taken on the motion on the floor which passed by a 5-1 vote in favor, Mayor Nolan voting against.

David Hiles made a motion to waive the attorney client privilege on the memo regarding the title report, seconded by Councilmember Repan. It was approved unanimously.

There was discussion on whether to share the ownership information at this time in the meeting. Town Manager Kimball stated it is available by information request.

9. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Council.

9.1. Second St. Right-of-Way License Agreement with Dewey-Humboldt Historical Society. Discussion and possible action.

Mayor Nolan introduced the item. Councilmember Repan asked who is liable to return the property to pre-license agreement and if the insurance was taken care of. Mayor Nolan responded the whole Historical Society is responsible. Ms. Kimball responded the insurance will be taken care of.

Carl Marsee spoke on his authority to sign the agreement for the Historical Society.

Councilmember Repan made a motion to move forward with the license agreement between the Town and the Historical Society, seconded by Councilmember Hiles.

There was discussion on the use permit for the museum and parking details being addressed through that process. TM Kimball recommended changing 6. Conditions (d) to specify “and obtain approval from Town Manager”, rather than just “Town”.

Councilmember Repan amended his original motion to include accepting the change to 6d adding “Town Manager” rather than just “Town”, seconder agreed.

Public comment was taken on this item.

Jerry Brady spoke on historical information regarding Rights-of-Way in Dewey-Humboldt and area being a mining district, no ownership of ROWs by the Town.

Carl Marsee explained the Historical Society is interested in the agreement not determining who owns the property.

The motion and amendment to the motion passed unanimously.

9.2. Ordinance 12-94: Ratifying the Sale of Alley Right-of-Way Richards Lane in 2007.

Discussion and possible action.

Town Manager Kimball gave a history of this issue and explained follow up action did not occur to finalize this sale. This agenda item is to ratify the sale through Ordinance 12-94.

Councilmember Repan made a motion to approve Ordinance 12-94 Ratifying the Sale of Alley Right-of-Way Richards Lane in 2007, seconded by Councilmember Rogers. It was approved unanimously.

9.3. Advisability of Adopting Ordinance 12-95: Amending the Town Code 50.16 Disposition of Unnecessary Rights-of-Way. Discussion and possible action.

Town Manager Kimball gave an overview on this issue, explaining the Town Attorney requested this amendment to bring the Town’s code into compliance with state law.

Councilmember Repan made a motion to direct staff to amend Town Code 50.16 through an ordinance, seconded by Councilmember Hiles. It was approved unanimously.

9.4. Vice Mayor John Dibble’s resignation, consideration of initiating the process for filling the vacancy, and consideration of appointing a Vice Mayor. Discussion and possible action.

Mayor Nolan gave an overview on the resignation.

Connie Dibble, John Dibble’s wife was in attendance and spoke on her husband’s behalf.

There was discussion on initiating the process of filling the vacancy, the process that has been done in the past and whether to start that process or wait.

Phyllis Smiley, Town Attorney was asked how long they have to fill that vacancy, her response was it shall be filled by the Council, and anticipates “as soon as possible”. Councilmember Wright stated it could be filled without seeking applicants. There was more discussion on the length of the appointment term.

Councilmember Wright made a motion to appoint David Nystrom to the vacant council position. The motion failed for lack of a second. There was discussion on other applicants interested in the vacancy.

Councilmember Hiles made a motion to advertise in the local paper and post in the crier boards with a deadline of November 17th close of business to submit applications, and place an agenda item on the November 20th meeting to appoint, seconded by

Councilmember Wright. The motion failed by a tie vote (3-3), Councilmember McBrady, Repan and Mayor Nolan voting against.

Councilmember Repan made a motion to advertise a call for applicants with the deadline of November 26th close of business, and appointment decision at the December 4th regular meeting, seconded by Councilmember Hiles. It was approved by a 5-1 vote in favor, Councilmember McBrady voting against, but then he explained he voted no in the event they were not able to come to a decision. Mayor Nolan explained it could be extended. Councilmember McBrady changed his vote in favor.

There was discussion on appointing a Vice Mayor at this meeting.

Councilmember McBrady nominated Councilmember Dennis Repan as Vice Mayor. Councilmember McBrady made a motion to appoint Dennis Repan for Vice Mayor, seconded by Denise Rogers.

Councilmember Hiles explained he was next in line to be Vice Mayor. Mayor Nolan nominated Councilmember David Hiles. CM Hiles declined the position. Councilmember Repan spoke on the void that John Dibble is leaving and his high esteem for Mr. Dibble. He accepted the nomination to the Vice Mayor appointment.

A vote was taken and it was approved unanimously.

Mayor Nolan spoke on his esteem for Mr. Dibble and what he did for the Town and its citizens.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jack Hamilton spoke on having an agenda item soon to appoint a replacement to the WAC due to John Dibble's resignation.

Jerry Brady spoke on Prescott establishing a relationship with Karl May Museum; D-H establishing a relationship with the Karl May Museum; history of surveys in this area.

12. Adjourn. The meeting was adjourned at 8:16 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk